UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED
NOV - 4 2015
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ANGELA LEA WASHINGTON and)
ERIC T. HARVEY,)
Defendants.)

4:15CR00497 CDP/NAB

INDICTMENT

The Defendants

The Grand Jury charges that:

1. At all times relevant to this Indictment, defendant Angela Lea Washington, was a resident of St. Louis, Missouri. Washington was employed as personal care attendant for a home health care agency that maintained an office in St. Louis County, Missouri, all within the Eastern Division of the Eastern District of Missouri.

2. At all times relevant to this Indictment, defendant Eric T. Harvey, was a resident of St. Louis, Missouri. On or about January 9, 2007, defendant Harvey married defendant Washington.

Background

The Missouri Medicaid Program

3. The Missouri Medicaid Program is a health care benefit program within the meaning of 18 U.S.C. § 24(b) that affects interstate commerce and provides low income citizens of Missouri with medical benefits, items, and services. Funded by federal and state tax revenue,

the Missouri Department of Social Services administers the Missouri Medicaid Program under federal law, with guidance from the United States Department of Health and Human Services.

4. Under certain circumstances, the Missouri Medicaid program provides reimbursement for personal care services delivered to beneficiaries in the home setting. Personal care services include meals, the cleaning and grooming of the beneficiary, medication management, and other services. The goal of personal care services is to enable the beneficiary to remain in the home setting with outpatient treatment instead of long term inpatient stays in hospitals and nursing homes. Under Medicaid's rules and regulations, a spouse is not eligible to receive Medicaid-funded payments for providing personal care to his or her spouse.

5. All Medicaid providers, including personal care providers, must retain fiscal and medical records that fully document services billed to Medicaid for five years from the date of service, and must furnish or make the records available for inspection or audit by the Missouri Medicaid Program or its representative upon request. Failure to furnish, reveal, or retain adequate documentation for services billed to the Medicaid Program may result in recovery of the payments for those services not adequately documented and may result in sanctions to the provider's participation in the Medicaid Program.

6. For personal care services, the records required by the program include log sheets containing the name of the personal care attendant, the name of the beneficiary, the dates of service delivery, the time spent with the beneficiary, the daily care activities performed on each date, and the beneficiary's signature for each visit. Typically, Missouri Medicaid uses the amount of hours spent providing personal care services when calculating the amount of reimbursement to provide, making the accuracy of the records regarding which personal care services were performed over what time frame material to the program. Moreover, the identity

of the persons performing and receiving personal care services are material to the program because Medicaid does not provide payments to a spouse for taking care of his or her spouse.

7. On or about January 8, 2010, defendant Washington signed a contract with a local home health care agency that was based in St. Louis County, Missouri, in which, among other things, she verified that she was not the spouse of her home health care patient. On or about January 8, 2010, defendant Washington also signed a "personal care attendant release of family member relationship" form in which she certified that "I fully understand that I am not to render services nor accept consumer assignment for my spouse." Finally, on or about March 20, 2010, defendant Washington signed a form which stated in part that "falsification of time sheet constitutes Medicaid fraud." Thereafter, both defendants signed numerous Medicaid time sheets regarding home health care defendant Washington allegedly provided to defendant Harvey in the home setting.

Counts 1-2

8. Paragraphs 1 through 7 are incorporated by reference, as if fully set forth herein.

9. On or about the dates indicated below, in St. Louis, Missouri, in the Eastern Division of the Eastern District of Missouri, and elsewhere,

ANGELA LEA WASHINGTON and ERIC T. HARVEY,

the defendants herein, aided and abetted by each other and aiding and abetting each other, knowingly and willfully made and used materially false writings and documents, knowing the same to contain materially false, fictitious, and fraudulent statements and entries, in connection with the delivery of and payment for health care benefits, items, and services involving the Missouri Medicaid program, a health care benefit program as defined in 18 U.S.C. § 24(b), in violation of 18 U.S.C. § 1035, as described in further detail below, when the defendants then and there well knew said statements and representations were false, fictitious, and fraudulent.

COUNT	DATE OF OFFENSE	PATIENT'S INITIALS	WHY STATEMENT WAS FALSE, FICTITOUS, AND FRAUDULENT
1	December 25, 2013	E.H.	defendants were married to each other
2	September 12, 2014	E.H.	defendants were testifying in a hearing

All in violation of Title 18, United States Code, Sections 1035(a)(2) and 2.

The Social Security Administration

10. The Social Security Administration ("SSA") is a federal agency within the Executive Branch of the Government that administers several federal programs, including the Title II Disability Program. Generally, the Title II Disability Program provides monthly payments to adults that are disabled and therefore unable to engage in any substantial gainful activity because of a medically-determinable physical or mental impairment

11. SSA also administers another benefit called the SSI program which makes cash assistance payments to aged, blind, or disabled persons who have limited income and resources. The amount of SSI payment from SSA depends on the applicant's household income and living situation. In order to receive SSI benefits, an applicant cannot have monthly countable income more than the current Federal benefit rate ("FBR"), an amount set by law that is subject to annual increases based on cost-of-living adjustments. An applicant's monthly household income is important and material to SSA, as it determines both eligibility for and the amount of any SSA Title 16 benefits paid to program participants.

12. On or about August 31, 2005, defendant Harvey applied for Title II disability insurance benefits and SSI program benefits from SSA. In his application, Harvey claimed that

he was unable to work. Based on his continuing statements and representations that he made in various SSA forms and application, Harvey received monthly Title II and SSI payments from SSA during approximately January 2006 through September 2014. During 2014, defendant Harvey used an apartment with a number ending in 5 for his address in SSA correspondence. Defendant Washington used that same address on her Missouri state identification card.

13. On or about September 12, 2014, defendants Harvey and Washington appeared at an office of SSA located within St. Louis County, Missouri for a hearing regarding Harvey's continued eligibility for SSA benefits in front of a Hearing Officer. The purpose of the hearing was to determine whether defendant Harvey's medical condition was a "medical disability" at the time of the hearing. Both defendants swore an oath to tell the truth at the SSA hearing before testifying. At the hearing, defendant Harvey told the Hearing Officer that he lived alone, was not related to defendant Washington in any way, could not use his hands or stand for a long time, and left his apartment only to go see his doctor. Similarly, defendant Washington stated at the hearing that she was not related to Harvey in any way and that Harvey lived alone.

COUNT 3
CONSPIRACY TO DEFRAUD THE UNITED STATES
18 U.S.C. § 371

14. Paragraphs 1 through 2 and 10 through 13 are incorporated by reference, as if fully set forth herein.

15. From on or about January 9, 2007 and continuing thereafter until on or about September 12, 2014, in St. Louis County, Missouri, in the Eastern Division of the Eastern District of Missouri, and elsewhere, defendants Angela Lea Washington and Eric T. Harvey, knowingly and willfully conspired and agreed together and with each other, (and with other persons both known and unknown to the grand jury), to defraud the United States of and

concerning its governmental functions and rights, including its right to have its business and its affairs, and particularly the transaction of the official business of the Social Security Administration, conducted honestly and impartially, free from corruption, fraud, improper and undue influence, dishonesty, unlawful impairment and obstruction.

MANNER AND MEANS OF THE CONSPIRACY

16. It was a part of the conspiracy that the defendants would by deceit, craft, trickery and dishonest means, defraud the United States by interfering with and obstructing the lawful governmental functions of the SSA in that the defendant Harvey would apply for benefits from SSA.

17. It was further a part of the conspiracy that both defendants would attempt to conceal from SSA the facts that defendant Harvey was neither disabled nor unmarried.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Eastern Division of the Eastern District of Missouri and elsewhere:

18. On or about June 16, 2014, defendant Eric T. Harvey completed and submitted to SSA a benefits form in which he stated that he never was married and lived alone in his apartment with a number ending in 5.

19. On or about September 12, 2014, defendant Eric T. Harvey testified under oath during a SSA hearing that he was disabled and could not use his hands or move his fingers.

20. On or about September 12, 2014, defendant Angela Washington testified under oath during a SSA hearing that she was not related in any way to defendant Harvey.

21. On or about September 12, 2014, defendant Angela Washington testified under oath during a SSA hearing that defendant Harvey lived alone at the time of the hearing.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

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A.U.S.A. ANDREW J. LAY, #39937MO